

REMARKS

Claims 20 and 38 are amended in this paper. Accordingly, claims 20-64 are now pending.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-42 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. This rejection is understood to be based on the premise that there is no clear interrelationship of “the treatment volume” and the remaining structure, *e.g.*, the containment structure, particularly because “the treatment volume” lacks proper antecedent basis.

Claims 1-19 are withdrawn from further consideration as being drawn to a nonelected invention. If Applicant elects to prosecute claims 1-19 in a divisional application, Applicant will amend claims 1-19 to overcome the rejection at that time.

Claim 20 has been amended to provide antecedent basis for “the treatment volume.” Applicant submits that it is now clear that the treatment volume is defined by the containment structure. Further, it is clear that the RF applicator is positioned within the containment structure and is configured to deliver microwave energy to the treatment volume defined by the containment structure.

Applicant respectfully submits that the amendments to claim 20 cure any indefiniteness that may have previously existed with respect to claim 20 and with respect to claims 21-42, which depend from claim 20, either directly or via intervening claims of intermediate scope. Applicant request that the rejection of claims 20-42 under 35 U.S.C. § 112, second paragraph be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 20-64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,914,014 to *Kartchner* [hereinafter *Kartchner*] in view of U.S. Patent No. 6,583,394 to *Araya et al.* [hereinafter *Araya et al.*]. This rejection is understood to be based on the premise that regarding claims 20 and 43, *Kartchner* discloses a demulsification arrangement to remove microwave-absorptive material from a substrate comprising a containment structure and an RF applicator delivered from the power source operatively coupled and positioned within the containment structure and comprising an antenna body defined as a waveguide. *Araya et al.* is cited as resolving the level of ordinary skill in the art and as evidence of obviousness and is asserted to teach, in Figure 4, a waveguide antenna applicator defined as slotted waveguides 12a arranged with slots perpendicular to the axis. The rejection is further understood to be based on the premise that it would have been obvious to employ such a waveguide in lieu of the cylindrical waveguide in *Kartchner*.

Applicant traverses the rejection. A prior art reference must be considered in its entirety, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). *Araya et al.* states at column 7, lines 11-19, that

[t]he waveguide arrangements of FIGS. 3 and 4 do not provide the uniformity of microwave power distribution required to minimize ceramic piece distortion and/or cracking at the microwave input power levels necessary for the effective firing of ceramic products such as thin-walled ceramic honeycomb structures. FIG. 5 of the drawings, on the other hand, shows a waveguide configuration of the present invention that does provide the necessary uniformity.

Accordingly, *Araya et al.* teaches away from the use of the waveguide configuration depicted in Figure 4. Applicant respectfully submits that because *Araya et al.* teaches away from the invention as claimed in the instant application, it is improper to rely on *Araya et al.* to supply the teaching of a waveguide antenna applicator defined as slotted waveguides arranged with slots perpendicular to the axis. Claims 20 and 43

are therefore patentably distinct from the prior art of record.

Claims 21-42 and 44-64 further define various features of the invention above the prior art and incorporate all of the limitations recited in claims 20 and 43, from which they respectively depend, either directly or via intervening claims of intermediate scope.

In view of at least the above reasoning, Applicant respectfully requests that the rejection of claims 20-64 under 35 U.S.C. § 103(a) as unpatentable over *Kartchner* in view of *Araya et al.* be withdrawn.

Conclusion

The amendments to the claims presented above are believed to place the application in condition for allowance. Applicant respectfully requests a timely Notice of Allowance.

Respectfully submitted,
for the Applicant
by attorneys,

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